

FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION No.248 of 2006.

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Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order
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Mr.S.D.Mishra, Adv.for the petitioner.
Mr.D.B.Patel, A.P.P.for the State.

CORAM: K.J.ROHEE & C.L.PANGARKAR,JJ.
DATE : 17th October, 2006.

1. Dr.Mrs.K.T.Patil, Medical Officer, is present.
She is heard.

2. By this petition, under Article 226 and 227 of
the Constitution of India, the petitioner seeks handing
over of investigation of a crime to Central Bureau of
Investigation (Respondent no.9).

3. The petitioner is the widow of Sunil
Himmatrao Kumeria. It is alleged that on 12/01/2006
Sunil accompanied respondents no.4 to 8 for dinner at
Tandoor Bar and Restaurant. Around 10.00 p.m. the
dead body of Sunil was found on Mendki – Gondi Digras
road in a mysterious circumstances. On the next day

i.e. on 13/1/2006 Post-mortem was conducted on the body of Sunil. Grazes on several parts of the body were present, so also contusion on the scalp (occipital region) was found. In the opinion of Dr.Mrs.K.T.Patil, Medical Officer, Rural Hospital, Katol, who conducted post-mortem, the probable cause of death was head injury. According to the Medical Officer, the injuries were recent and caused in vehicular accident. Crime No.8 of 2006 under Sections 279 and 304-A of I.P.Code was registered at Police Station, Katol, District Nagpur on 13/1/2006. On completion of investigation, charge sheet was filed before the Judicial Magistrate (F.C.), Katol on 29/4/2006 against one Jogeshwar Tulshiram Uike, the driver of a Tractor. The petitioner, who is the widow of Sunil Kumeria, wants that inquiry should be conducted by C.B.I. and respondent nos.4 to 8 should be booked for the offence under Section 302 of the Indian Penal Code.

4. **In Hari Singh ..vs.. State of U.P. (2006)3 SCC (Cri.) 63,** it has been specifically held that writ petition cannot be entertained for direction to conduct inquiry by C.B.I. in view of relevant provisions of the Code of Criminal Procedure. If the petitioner is not satisfied with filing of the charge sheet under specific Sections, the petitioner may file complaint before the concerned Magistrate under the provisions of the Code of Criminal Procedure, who may take cognizance

thereof and may proceed according to law. In view of this, there is no merit in the petition, the same is, therefore, dismissed in limine.

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